IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2139 OF 2006

Shri. Balasaheb Chandu Hattekar. ..Applicant.
Vs.
The State of Maharashtra. ..Respondent.

Mr.S.S.Kulkarni, Adv. for the Applicant.
Ms. S.V.Gajare, APP. for the State.

CORAM : R.S. MOHITE, J.
DATED : 28/6/2006.

P.C.

1. This is an application for grant of bail. The applicant is shown as an accused in C.R.No.35/2006 registered by Sahakar Nagar Police Station for alleged offence under Section 302 of the I.P.C. The applicant was the husband of deceased Kavita. His presence when Kavita was burnt cannot be disputed because he himself has suffered some burn injuries. Be that as it may, there is dying declaration given by deceased Kavita on 26.1.2006 which is the same day of incident. There is also an oral dying declaration made by Kavita to her brother. The statement of the brother of the deceased discloses that on receipt of information he went to the private hospital and found that Kavita was lying outside the hospital and the applicant was missing. The applicant has not made complaint to the police

of suicidal or accidental death though he was admittedly present on the spot. I am not in a position to hold at this stage that there is no material against the present applicant. Hence, application is rejected.

(R. S. MOHITE, J.)